

UNITED STATES DISTRICT COURT  
for the  
EASTERN DISTRICT OF NORTH CAROLINA

**U.S.A. vs. Don Keith Locklear**

**Docket No. 7:05-CR-65-1FL**

**Petition for Action on Supervised Release**

COMES NOW Henry Ponton, U.S. Probation Officer of the court, presenting a petition for modification of the Judgment and Commitment Order of Don Keith Locklear, who, upon an earlier plea of guilty to Conspiracy to Distribute and Possess with the Intent to Distribute more than 50 Grams of Cocaine Base (Crack) in violation of 21 U.S.C. §841(a)(1), and 846 and Felon in Possession of a Firearm in violation of 18 U.S.C. §922(g)(1) and 924, was sentenced by the Honorable Louise W. Flanagan, U.S. District Judge, on November 16, 2005, to the custody of the Bureau of Prisons for a term of 168 months. It was further ordered that upon release from imprisonment the defendant be placed on supervised release for a period of 60 months. On June 30, 2009, pursuant to 18 U.S.C. §3582(c)(2), the term of imprisonment was reduced to 135 months. On November 2, 2012, pursuant to 18 U.S.C. §3582(c)(2), the term of imprisonment in Count 1 was reduced to 120 months. On February 14, 2013, pursuant to 28 U.S.C. §2255, the conviction and sentence in Count 2 were vacated. Don Keith Locklear was released from custody on June 20, 2014, at which time the term of supervised release commenced.

On May 26, 2016, a petition for action on supervised release was submitted to Your Honor. On May 17, 2016, the defendant pled guilty to charges of Common Law Uttering and Larceny, both misdemeanor offenses. He was sentenced to 18 months of supervised probation with the State of North Carolina. His conditions were modified to include 24 hours of community service.

On November 30, 2017, a violation report was submitted to Your Honor advising that the defendant tested positive for marijuana on October 26, 2017. No action was requested to allow the defendant an opportunity to comply with substance abuse testing and treatment.

**RESPECTFULLY PRESENTING PETITION FOR ACTION OF COURT FOR CAUSE AS FOLLOWS:**

On February 13, 2018, this officer met with the defendant at his employment in Rowland, North Carolina. A urine sample was taken, and sent to Alere Laboratories for testing. The defendant signed an admission form, and admitted to recent use of marijuana.

The defendant has also missed numerous scheduled appointments with the undersigned officer. He missed scheduled home contact on January 30, 2018. He also missed scheduled office appointments on January 29, January 31, and February 1, 2018.

The defendant signed a Waiver of Hearing agreeing to the proposed modification of supervision.

**PRAYING THAT THE COURT WILL ORDER** that supervised release be modified as follows:

1. The defendant shall adhere to a curfew as directed by the probation officer for a period not to exceed 30 consecutive days. The defendant is restricted to their residence during the curfew hours. The defendant shall submit to the following Location Monitoring: Radio Frequency monitoring and abide by all program requirements, instructions and procedures provided by the supervising officer. The defendant must pay all of the cost of the program.

Except as herein modified, the judgment shall remain in full force and effect.

Reviewed and approved,

I declare under penalty of perjury that the foregoing  
is true and correct.

/s/ Eddie J. Smith  
Eddie J. Smith  
Supervising U.S. Probation Officer

/s/ Henry Ponton  
Henry Ponton  
U.S. Probation Officer  
150 Rowan Street Suite 110  
Fayetteville, NC 28301  
Phone: 910-354-2536  
Executed On: February 16, 2018

**ORDER OF THE COURT**

Considered and ordered this 20th day of February, 2018, and ordered filed and  
made a part of the records in the above case.

  
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Louise W. Flanagan  
U.S. District Judge